

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

**DENO BENNETT,**

Plaintiff,

**VS.**

**UNITED STATES OF  
AMERICA,**

Defendant.

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Civil Action Number  
**2:04-cv-08023-UWC-HGD**

## FINAL JUDGMENT


On August 8, 2005, the magistrate judge's report and recommendation was entered and the parties were allowed therein fifteen (15) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by the petitioner or the respondent.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge and it is therefore

ORDERED, ADJUDGED and DECREED that Bennett's Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255 is due to be and hereby is GRANTED. Petitioner shall be resentenced in light of the vacatur of

four prior misdemeanor state court convictions used to calculate his criminal offense level under the U.S. Sentencing Guidelines.

Done this 21<sup>st</sup> day of October, 2005.

  
U.W. Clemon  
Chief United States District Judge